



Correspondence Management System

Control Number: AX-12-001-0933

Printing Date: June 29, 2012 03:01:23



Citizen Information

Citizen/Originator: Nichols, Mary D.

Organization: California Air Resources Board

Address: 1001 I Street-Post Office Box 2815, Sacramento, CA 95812

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-001-0933

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Jul 13, 2012

of Extensions: 0

Letter Date: Jun 27, 2012

Received Date: Jun 28, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: AA-OAR-Assistant Administrator
- OAR

Signature Date: N/A

File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

Subject: Daily Reading File- Request EPA waive federal preemption for California's amended zero emission vehicle standards and low emission vehicle standards pursuant to the Clean Air Act

Instructions: AA-OAR-Prepare draft response for signature by the Assistant Administrator for OAR

Instruction Note: N/A

General Notes: N/A

CC: OEAE - Office of External Affairs and Environmental Education
OP - Office of Policy
R9 - Region 9 - Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
Ken Labbe	OEX	OAR	Jun 29, 2012	Jul 13, 2012	N/A
Instruction: AA-OAR-Prepare draft response for signature by the Assistant Administrator for OAR					

Supporting Information

Supporting Author: N/A

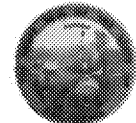
Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History



Air Resources Board



Matthew Rodriquez
Secretary for
Environmental Protection

Mary D. Nichols, Chairman
1001 I Street • P.O. Box 2815
Sacramento, California 95812 • www.arb.ca.gov

Edmund G. Brown Jr.
Governor

June 27, 2012

RECEIVED
JUN 28 2012
OFFICE OF THE
EXECUTIVE SECRETARIAT

Administrator Lisa P. Jackson
United States Environmental Protection Agency
Headquarters Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Mail Code 1101A
Washington, D.C. 20460

RECEIVED
JUN 28 2012
OFFICE OF THE
EXECUTIVE SECRETARIAT

RE: REQUEST FOR WAIVER ACTION PURSUANT TO CLEAN AIR ACT
SECTION 209(b) FOR AMENDMENTS TO CALIFORNIA'S ZERO EMISSION
VEHICLE AND LOW EMISSION VEHICLE REGULATIONS

Dear Administrator Jackson:

I write to request the United States Environmental Protection Agency (EPA) waive federal preemption for California's amended zero emission vehicle (ZEV) standards and low emission vehicle standards pursuant to Clean Air Act (CAA) section 209(b). The amended ZEV and LEV standards are components of California's Advanced Clean Cars (ACC) regulatory package. This submission represents an historic further step in state and federal efforts to control motor vehicle and other greenhouse gas (GHG) emissions and their consequent effect on global warming.

The California Air Resources Board (CARB or Board) amended its ZEV and LEV standards in January 2012. CARB requests the Administrator treat the amended ZEV requirements as within the scope of previously granted waivers for the ZEV program. To the extent that the Administrator cannot find that the amendments fall within the scope of previously granted waivers, CARB alternatively requests that the Administrator grant a new waiver of preemption. Regarding the LEV amendments, CARB requests that the administrator grant a new waiver of preemption. CARB expressly found that the ACC regulations, in the aggregate, are at least as protective of public health and welfare as applicable federal standards for passenger cars and light-duty trucks and that no basis exists for denying a waiver under the three criteria that the Administrator must consider under CAA section 209(b).

The 2012 ZEV and LEV amendments flow from the historic collaboration between EPA, the National Highway Traffic Safety Administration, and CARB as directed by President

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption.
For a list of simple ways you can reduce demand and cut your energy costs, see our website: <http://www.arb.ca.gov>.*

California Environmental Protection Agency

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EPA-7609-0014220_00002

Administrator Lisa P. Jackson
June 27, 2012
Page 2

Obama in May 2010. CARB plans to continue working with EPA as it implements its federal GHG standards. Specifically, CARB will collaborate with EPA in conducting EPA's mid-term review of the federal GHG standards for light duty vehicles for model years 2022 to 2025 with the overall goal of maintaining a single national framework for regulating vehicle GHG emissions. As you know, these collaborative efforts to protect our nation's air quality were recently vindicated in a June 26, 2012 decision by the U.S. Court of Appeals for the District of Columbia, which upheld the validity of the federal GHG standards that aligned with California's (see *Coalition for Responsible Regulation, Inc. v. U.S. EPA* (D.C. Cir. June 26, 2012, No. 09-1322)).

Attached for your review is an analysis setting forth California's basis for the waiver requests. The analysis sets forth a summary of the regulatory actions, a review of the criteria governing EPA's evaluation of a California waiver request, and the legal arguments that support and compel EPA to grant California's request. The analysis is further supported by enclosures, included in DVD format for your convenience.

If you need additional technical information relating to the ZEV standards please contact Analisa Bevan, Chief of the Sustainable Transportation Technology Branch of the Mobile Source Control Division, at (916) 323-8966 or abevan@arb.ca.gov. If you need additional technical information relating to the LEV standards please contact Paul Hughes, Manager of the LEV Implementation Section of the Mobile Source Control Division, at (626) 575-6977 or phughes@arb.ca.gov. You may address legal questions to Aron Livingston, Assistant Chief Counsel, at (916) 323-9610 or dlivings@arb.ca.gov, or to Daniel Whitney, Staff Counsel, at (916) 445-5514 or dwhitney@arb.ca.gov.

Sincerely,



Mary D. Nichols
Chairman

Attachment

Enclosures

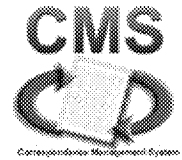
cc: David Dickinson (w/attachment; w/ enclosures)
Compliance and Innovative Strategies Division
United States Environmental Protection Agency
1310 L Street, N.W., Room 644
Washington, D.C. 20005



Correspondence Management System

Control Number: AX-12-001-0949

Printing Date: July 02, 2012 05:01:41



Citizen Information

Citizen/Originator: Wood, Chris

Organization: Trout Unlimited
Address: 1300 North 17th, Arlington, VA 22209-3801

Swisher, Randi

Organization: American Fly Fishing Trade Association
Address: Address Unknown

Robertson, Gordon C

Organization: American Sportfishing Association
Address: 225 Reinekers Lane, Alexandria, VA 22314

Akenson, Jim

Organization: Backcountry Hunters and Anglers
Address: Address Unknown

Smid, A.C.

Organization: Bear Trust International
Address: Address Unknown

Mauck, Tim

Organization: Bull Moose Sportsmen's Alliance
Address: Address Unknown

Vallender, Leonard J.

Organization: Campfire Club of America
Address: Address Unknown

Jackson, John J.

Organization: Conservation Force
Address: Address Unknown

Carter, Ben

Organization: Dallas Safari Club
Address: Address Unknown

Devney, John L.

Organization: Delta Waterfowl Foundation
Address: Address Unknown

Greenlee, Philip

Organization: Federation of Fly Fishers
Address: Address Unknown

Sawyer, Donald

Organization: International Association of Fly Fishing Veterinarians
Address: Address Unknown

Sears, Roger

Organization: Izaak Walton League of America
Address: Address Unknown

Adams, Jim

Organization: National Wildlife Federation
Address: Address Unknown



Correspondence Management System

Control Number: AX-12-001-0949

Printing Date: July 02, 2012 05:01:41



Addressee: AD-Administrator
Contact Type: EML (E-Mail)
Signature: DX-Direct Reply
File Code: 404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.
Subject: Daily Reading File - Bristol Bay: Time is short
Instructions: DX-Respond directly to this citizen's questions, statements, or concerns
Instruction Note: N/A
General Notes: N/A
CC: OEAE - Office of External Affairs and Environmental Education
OW - Office of Water -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
Jacqueline Leavy	OEX	R10	Jun 29, 2012
Rudy Mondaca	R10	R10-OETPA	Jul 2, 2012

History

Action By	Office	Action	Date
Jacqueline Leavy	OEX	Forward control to R10	Jun 29, 2012
Jacqueline Leavy	OEX	Changed Status For Your Information Pending	Jul 2, 2012
Jacqueline Leavy	OEX	Changed File Code 401_127_a General Correspondence Files Record copy 404-141-02-01_141_b Controlled and Major Corr. Record copy	Jul 2, 2012
Jacqueline Leavy	OEX	Changed Signature SNR-Signature Not Required DX-Direct Reply	Jul 2, 2012
Jacqueline Leavy	OEX	Changed Instruction For Your Information -- No action required DX-Respond directly to this citizen's questions, statements, or	Jul 2, 2012
Jacqueline Leavy	OEX	Changed Due Date July 17, 2012	Jul 2, 2012
Rudy Mondaca	R10	Forwarded control to R10-OETPA	Jul 2, 2012

Comments

June 22, 2012

Lisa Jackson, Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Cc: Ken Salazar, Secretary, Department of Interior
Gary Locke, Secretary, Department of Commerce
Nancy Sutley, Chair, Council on Environmental Quality
Dr. Jane Lubchenco, Administrator, National Oceanic and Atmospheric Administration
Bob Abbey, Director, Bureau of Land Management
John Jarvis, Director, National Park Service
Daniel Ashe, Director, U.S. Fish and Wildlife Service
Jo-Ellen Darcy, Assistant Secretary of the Army for Civil Works
Lisa Murkowski, U.S. Senator from Alaska
Mark Begich, U.S. Senator from Alaska

Dear Administrator Jackson,

We, the undersigned hunting and angling organizations and businesses representing millions of sportsmen, outdoor recreation groups and related businesses, thank you and the EPA for taking the first step in protecting Bristol Bay from the dangers of the proposed Pebble Mine, by conducting a scientific assessment of the region's watershed. We look forward to working with the EPA and other decision makers during this public process to determine the fate of Bristol Bay, Alaska.

Our 559 sporting conservation groups, businesses and trade associations also thank you for visiting the Bristol Bay region. Your effort to meet with the region's local residents is greatly appreciated; as the world's greatest wild sockeye salmon fishery is facing unprecedented threats from proposed development of a massive mining district. We write today to ask you to use all the tools at your disposal to protect a sport fishing and hunting destination that is unrivaled in America and perhaps the world, for this and future generations of sportsmen and women.

The proposed Pebble Mine in Bristol Bay poses numerous significant and potentially long-lasting threats to one of the world's foremost sport fishing and hunting regions. Specifically, fish habitat (including spawning and breeding grounds), wildlife habitat and recreational areas are all threatened by several hard rock mining proposals - most notably, the Pebble Mine. The potential impact from this type of activity could be severe. It is estimated that the Pebble Mine would produce between 2.5 and 10 billion tons of waste containing elements, such as copper and other heavy metals, that would threaten several fishery areas including spawning and breeding grounds for world-renowned populations of salmon.

If this project moves forward, these toxins would have to be contained and potentially treated in perpetuity - in an area of high seismic activity, which increases the risks tremendously. Because the Pebble property straddles the Kvichak and Nushagak river drainages - two of the most productive salmon systems on the planet - any release of this waste into the surface or groundwater has the

EPA Letter from Sport Fishing and Hunting Interests on Bristol Bay Alaska (June 2012)

Bull Moose Sportsmen's Alliance
Tim Mauck
Co-Director
Denver, CO

Campfire Club of America
Leonard J. Vallender
Conservation Chair
Chappaqua, NY

Conservation Force
John J. Jackson III
Chairman and President
Metairie, LA

Dallas Safari Club
Ben Carter
Executive Director
Dallas, TX

Delta Waterfowl Foundation
John L. Devney
Senior Vice President
Bismarck, ND

Federation of Fly Fishers
Philip Greenlee
President / Chairman of the Board
Livingston, MT

International Assoc. of Fly Fishing Veterinarians
Dr. Donald Sawyer
President
Tucson, AZ

Izaak Walton League of America
Roger Sears
Executive Board Chair
Poolesville, MD

National Wildlife Federation
Jim Adams
Regional Executive Director – Pacific Region
Anchorage, AK

North American Fishing Club
Steve Pennaz
Executive Director
Minnetonka, MN

North American Hunting Club
Bill Miller
Executive Director
Minnetonka, MN

Pope and Young Club
Roger Atwood
President
Chatfield, MN

Theodore Roosevelt Conservation Partnership
Tom Franklin
Director of Policy and Government Relations
Washington, DC

Trout Unlimited
Chris Wood
President / Chief Executive Officer
Arlington, VA

Wildlife Forever
Douglas Grann
President / Chief Executive Officer
Minneapolis, MN

Alaska (89)

3 Rivers Fly & Tackle
Steve Runyan
Manager
Wasilla, AK

Alagnak Lodge
Michael Santelli
Guide
King Salmon, AK

Alaska Alpine Adventures
Dan Oberlatz
Owner/Operator
Anchorage, AK

EPA Letter from Sport Fishing and Hunting Interests on Bristol Bay Alaska (June 2012)



Correspondence Management System

Control Number: AX-12-001-0972

Printing Date: July 02, 2012 06:29:03



Citizen Information

Citizen/Originator: Lord, Chad

Organization: Healing our Waters-Great Lakes Coalition/National Parks Conservation Association

Address: 777 6th Street, NW, Washington, DC 20001

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-001-0972

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Jul 13, 2012

of Extensions: 0

Letter Date: Jun 27, 2012

Received Date: Jun 28, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: FAX (Facsimile)

Priority Code: Normal

Signature: DX-Direct Reply

Signature Date: N/A

File Code: 404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.

Subject: Daily Reading File- Recommendations and support for EPA's intent to establish a Great Lakes Advisory Board

Instructions: DX-Respond directly to this citizen's questions, statements, or concerns

Instruction Note: N/A

General Notes: N/A

CC: OEAE - Office of External Affairs and Environmental Education
OW - Office of Water -- Immediate Office

Lead Information

Lead Author: Linda Sliwa

Office: R5-GLNPO

Due Date: Jul 13, 2012

Assigned Date: Jun 29, 2012

Complete Date: N/A

Instruction: DX-Respond directly to this citizen's questions, statements, or concerns

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
Ken Labbe	OEX	R5	Jun 29, 2012	Jul 13, 2012	N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					
Nancy Jih	R5	Linda Sliwa	Jun 29, 2012	Jul 13, 2012	N/A
Instruction: The response is for Division Director signature					

Supporting Information



Healing Our Waters-Great Lakes Coalition

June 27, 2012

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
Washington, DC 20460

Dear Administrator Jackson:

We were pleased to see the Federal Register notice on Thursday, May 31, 2012, announcing EPA's intent to establish a Great Lakes Advisory Board. Our Coalition has pushed for simplifying the number of committees overseeing Great Lakes protection and restoration for a number of years and have felt that there is a need for a mechanism that allows stakeholders to provide ongoing advice in a formal setting rather than the ad hoc, although important, way that currently exists. We appreciate your attention to this issue and support the creation of this board.

In order to maximize the effectiveness and efficiency of the board, our governance board would like to make the following recommendations that help sharpen the new advisory board's focus towards some more specific tasks. These areas would be in addition to the objectives of the board, such as providing general advice and recommendations on Great Lakes protection and restoration policy and long term goals and objectives for Great Lakes protection and restoration, as identified in the summary of the Federal Register notice:

- The Great Lakes Advisory Board must provide annual recommendations on priority areas— both geographic locations and type of work—for which the Great Lakes Restoration Initiative should focus its resources. These recommendations must come early enough in the budget process so agencies can integrate them into their budget submissions to the Office of Management and Budget in early September each year. Federal agencies must not be allowed to treat these recommendations as discretionary and should be required to report on why a recommendation was ignored.
- The board must provide recommendations on updates to the Great Lakes Restoration Initiative Action Plan as the Action Plan is updated, for example changes in recommended actions, targets, and measures of success.
- The board must provide recommendations on measures that improve the accountability of the use of Great Lakes Restoration Initiative funds. This includes reviewing how GLRI funds are being spent and whether they are being spent on the right projects in the right areas. This is especially important given the ongoing need to adaptively manage the Initiative to ensure the projects being funded are effective in restoring the environment and are efficient uses of taxpayer funds.
- The board must provide recommendations on the criteria EPA uses in selecting projects

to which it grants GLRI funds.

- The board must establish an independent science advisory committee for gathering independent science advice from the non-federal research stakeholder community and to oversee the development and integration of a science plan. The EPA's Science Advisory Board's recent report recommended that EPA develop a science advice and implementation structure to both provide advice on the plan and implement key elements of a science plan. We recommended to you on March 22, 2012, that, while the science plan itself could be developed by an agency-led process, independent science advice is best achieved in conjunction with other stakeholder advice and should be integrated into that process if one is developed. A science committee to the advisory board (with extensive involvement from academic and other non-federal researchers) could fulfill our recommendation to you.

In addition, in order to fulfill these recommendations, we assume that the appropriate technical staff from EPA and the other agencies will be available to brief the board and its committees on GLRI activities on a regular basis.

Thank you for considering our recommendations. Please do not hesitate to contact Chad Lord, our coalition's Policy Director, at (202) 454-3385 or clord@npca.org if there are any questions.

Sincerely,



Andy Buchsbaum
HOW Coalition Co-chair



John Jackson
HOW Coalition Co-chair



Lynn McClure
HOW Coalition Co-chair



Jill Ryan
HOW Coalition Co-chair

Cc: Susan Hedman, Regional Administrator, Region V, USEPA
Cameron Davis, Senior Advisor to the Administrator, USEPA



Correspondence Management System

Control Number: AX-12-001-1009

Printing Date: July 02, 2012 05:54:02



Citizen Information

Citizen/Originator: Oxborrow, Robert

Organization: N/A

Address: Address Unknown

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-001-1009 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Jun 13, 2012 **Received Date:** Jun 29, 2012
Addressee: AD-Administrator **Addressee Org:** EPA
Contact Type: EML (E-Mail) **Priority Code:** Normal
Signature: SNR-Signature Not Required **Signature Date:** N/A
File Code: 401_127_a General Correspondence Files Record copy
Subject: Daily Reading File - Thanks for UW Commencement
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: R10 - Region 10 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
Jacqueline Leavy	OEX	OEAE	Jun 29, 2012

History

Action By	Office	Action	Date
Jacqueline Leavy	OEX	Forward control to OEAE	Jun 29, 2012

Comments

DAILY READING FILE



Fw: Thanks for UW Commencement

LisaP Jackson to: Cynthia Gaines

Sent by: Eric Wachter

06/28/2012 04:25 PM

----- Forwarded by Eric Wachter/DC/USEPA/US on 06/28/2012 04:25 PM -----

From: Robert Oxborrow Nonresponsive Personal Email / Ex. 6
To: LisaP Jackson/DC/USEPA/US@EPA
Date: 06/13/2012 03:55 PM
Subject: Thanks for UW Commencement

Hello Mrs. Jackson,

I graduated last weekend from the UW and wanted to thank you for speaking to us. My degree is in biology and my interests are in conservation, so I can't tell you how thrilled I was to discover that the Administrator of the EPA would be giving the commencement speech. Through my time at UW my interests in the environment broadened. Originally I came to the UW knowing I wanted to somehow work protecting the environment. My interests grew from biology, to research in ecology and oceanography. What finally occurred to me is I wanted to be involved in something big. I started to look towards the problems of climate change and ocean acidification. At the same time I was realizing the gap between science and the public. Many of my professors shared their concern with this dilemma. As I look for work and prepare myself for graduate school, I'm trying to decide how I can help advance science, educate and motivate others and find answers to problems facing humanity. Although of course I don't have the answer, your words inspired me to keep thinking and imagining solutions to both environmental concerns and human problems. You told me and everyone else at the graduation exactly what we needed to hear. Thank you so much for taking the time out of your very busy life to share with us your hope and confidence for the future. I hope someday I will be as influential as you have been.

Thanks again,
Bob Oxborrow

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JUN 28 2012
OFFICE OF THE
EXECUTIVE SECRETARIAT



Correspondence Management System

Control Number: AX-12-001-1014

Printing Date: July 02, 2012 01:07:34



Citizen Information

Citizen/Originator: Cleaves, R. Clayton

Organization: Passamaquoddy Tribal Government

Address: P.O. Box 343, Perry, ME 04667

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-001-1014

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Jul 17, 2012

of Extensions: 0

Letter Date: Jun 28, 2012

Received Date: Jun 29, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: FAX (Facsimile)

Priority Code: Normal

Signature: RA-R1-Regional Administrator - Region 1

Signature Date: N/A

File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

Subject: Daily Reading File- Maine violation of the Clean Water Act and provisions of the Maine Indian Land Claims Settlement

Instructions: RA-R1-Prepare draft response for signature by the Regional Administrator for Region 1

Instruction Note: N/A

General Notes: N/A

CC: OEAE - Office of External Affairs and Environmental Education
OITA - Office of International and Tribal Affairs
OW - Office of Water -- Immediate Office
R1 - Region 1 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
Ken Labbe	OEX	R1	Jul 2, 2012	Jul 17, 2012	N/A
Instruction: N/A					

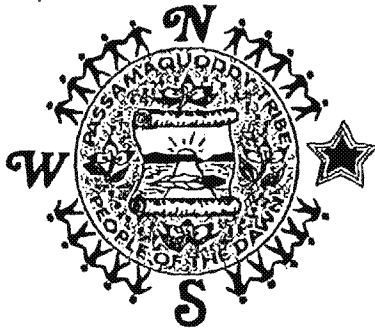
Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

*Pleasant Point Reservation*

P.O. Box 343 • Perry, Maine 04667
Tel. (207) 853-2600

June 28, 2012

Administrator Lisa P. Jackson
United States Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Jackson,

I am Chief of the Passamaquoddy Tribal Government at Pleasant Point in Maine. The Passamaquoddy are a maritime people whose name means *People of the Pollock Place* and whose reservation consists of lands around and islands in the St. Croix River on the border of New Brunswick, Canada. Forever, we have depended on the rich resources of the ocean and the fish that seasonally spawn in the waters of our land. Time and again, Maine's fisheries management policies have unreasonably diminished our access to a sea-run resource upon which our culture and economy have historically depended.

In 1980, the Maliseet, Penobscot and Passamaquoddy tribes entered into a land claims settlement (Settlement) with Maine and the United States in which Maine and the Tribes agreed to a process of consultation when tribal ordinances or state management policies were deemed to affect fish and wildlife stocks on lands and waters subject to regulation by the other party. In 1995, Maine's Legislature blocked passage of anadromous alewives at two of the lowermost dams on the St. Croix River, at Woodland and Grand Falls, causing this species to quickly decline from millions to less than a thousand fish. In 2008, the Maine Indian Tribal-State Commission (MITSC), established by the 1980 settlement agreement, asserted its responsibility under 30 MRSA, §6207(8) to intercede with Maine to open the fishways at Woodland and Grand Falls. MITSC advised the Governor's staff and the Legislature to reopen the St. Croix River fishways, closed in 1995. Maine's Legislature agreed to remove its barrier at the Woodland fishway, making available to the alewife only 2% of its spawning habitat. Unfortunately but predictably, this resulted in an alewife production level that is miniscule compared to pre-1995 numbers. Other sea-run species have virtually disappeared.

US Senator Melcher, in a report on September 17, 1980 to the US Senate Select Committee on Indian Affairs, authorizing funds for the settlement of Indian claims in the State of Maine wrote, "Nothing in the Settlement provides for acculturation, nor is it the intent of Congress to disturb

the culture or integrity of the Indian people of Maine." Administrator Jackson, we cannot adequately describe the fear that our culture, our identity, is at risk when a resource that defines us as a People, is disappearing. Furthermore, have not Maine's actions virtually resulted in the extirpation of a sea-run resource, and as such made a nullity of the sustenance benefit we bargained for in the 1980 Settlement with Maine and the United States?

I am informed of and support the Conservation Law Foundation's suit against EPA regarding Maine's actions on the St. Croix River. I believe that Maine has violated what the Clean Water Act and provisions of the Maine Indian Land Claims Settlement were intended to do, namely protect our resources. And as a federal trust agent for Indian people, I ask that you exercise your trust responsibility to undo the harm that Maine has perpetrated against us and take action to return to us our indigenous fish.

Woliwon,

A handwritten signature in black ink, appearing to read 'R. Clayton Cleaves', written in a cursive style.

Chief R. Clayton Cleaves
Passamaquoddy Tribe at Pleasant Point

Nonresponsive Memorandum Unrelated to Pebble

Nonresponsive Memorandum Unrelated to Pebble

Nonresponsive Memorandum Unrelated to Pebble

Nonresponsive Memorandum Unrelated to Pebble



Correspondence Management System

Control Number: AX-12-001-1055

Printing Date: June 29, 2012 01:52:09



Citizen Information

Citizen/Originator: Quinn, Hal

Organization: National Mining Association

Address: 101 Constitution Avenue NW, Washington, DC 20001

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-001-1055

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Jun 25, 2012

Received Date: Jun 29, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: Daily Reading File - National Mining Association's comments on the EPA's proposed New Source Performance Standards for carbon dioxide emissions from coal-based electric generating units

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: OEAAE - Office of External Affairs and Environmental Education

OP - Office of Policy

R3 - Region 3 - Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
Jacqueline Leavy	OEX	OAR	Jun 29, 2012

History

Action By	Office	Action	Date
Jacqueline Leavy	OEX	Forward control to OAR	Jun 29, 2012



HAL QUINN
President & CEO

June 25, 2012

The Honorable Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Mail Code: 1101A
Washington, DC 20460

RECEIVED
JUN 29 2012
OFFICE OF THE
EXECUTIVE SECRETARIAT

Dear Administrator Jackson:

With this letter, the National Mining Association (NMA) submits its comments on the Environmental Protection Agency's (EPA) proposed New Source Performance Standards (NSPS) for carbon dioxide (CO₂) emissions from coal-based electric generating units. These proposed standards are the latest in a series of EPA electric power sector rulemakings that are seeking to realign American energy policy by removing coal from the electric resource mix. EPA's other already promulgated (and anticipated) power sector regulations have resulted in the announcement of more than 25 gigawatts (GW) of coal-based generation, and a significantly higher number of retirements are expected. Now, with this latest proposal, EPA will prevent new coal generation from being built.

You and Assistant Administrator McCarthy have repeatedly said that EPA is not to blame for these retirements and that the cause is currently low natural gas prices. But utility executives have long enough memories to recall the last time the country built large amounts of natural gas generation in the 1990s; the result was significantly increased natural gas prices and bankruptcies of companies lured by the myth of low and stable natural gas prices long-term. Given that not so distant experience, utilities would not today permanently retire coal generation because of a decline in natural gas prices. They might run their coal units less, but they would keep them as a hedge against the inevitable future rises in natural gas prices. What is forcing the massive amount of coal plant retirements that the country is now experiencing is not low natural

The Honorable Lisa P. Jackson

June 25, 2012

Page Two

gas prices, but instead the inability of these units to absorb the billions of dollars of costs that EPA is forcing on them in a short amount of time.

You do not have to take NMA's word that EPA's policies are driving the wave of coal plant retirements. ICF International, whose IPM model EPA relies on to examine the impacts of all of its power sector rules, issued a study last week in which it forecasts about 50 GW of coal-based generation retirements over the next few years, driven mostly by pending EPA rules, with the expectation of additional retirements after that. The Pew Center for Climate and Energy Solutions also issued a report last week terming EPA air rules "arguably the most significant policy decisions affecting the U.S. power sector today," because of the wave of coal plant retirements caused by these rules.¹

EPA is thus forcing the country to degrade the reliability and affordability of its electricity generation system by breaking its coal backbone. This policy is stunningly short-sighted and ill-advised. The result is already being experienced in coal country where EPA's rules have caused significant cutbacks in coal production, which has in turn resulted in layoffs at coal mines and ancillary businesses in the teeth of an already weak economy. These layoffs cause real pain to real people, and not just to those who lose their jobs but to the communities which are dependent on the taxes and royalties and other spin-off benefits that coal mining brings. Yet not once in any of its power sector rulemakings has EPA ever taken into consideration the public health and welfare impacts that its regulations create when people lose jobs and income.

The harm goes beyond coal country as numerous utilities will now be forced to pass through to consumers the costs that EPA is forcing on these companies. And when natural gas prices again start their steady march upwards - in response to the huge increase in demand driven by EPA's rules - utilities will have no choice but to pass these costs on to consumers as well. Again, don't take NMA's word on this. A January 2011 report prepared for a foundation funded by natural gas interests and written by M.J. Bradley and Associates, whose work EPA has favorably cited in the Mercury and Air Toxics Standards rule, reported that "[t]he overall conclusion of this report is that volatility is more severe in U.S. natural gas markets than in most other commodities....It

¹ Citations to all the reports cited in this letter are contained in NMA's comments.

The Honorable Lisa P. Jackson
June 25, 2012
Page Three

is highly likely that price volatility will continue. Numerous future shocks are almost assured...natural gas consumers have been subjected to large price shocks in the past 15 years, raising some concern that over-reliance on the fuel could increase cost uncertainty and risk for a growing number of consumers – from large industrial companies down to individual households.”

EPA's rules also threaten to impair the reliability of the electric grid. The North American Electric Reliability Corporation identified EPA's regulations as the number one risk to the reliability of the electric grid. The Electric Reliability Council of Texas and the Southwest Power Pool each told EPA that the Cross-State Air Pollution Rule could result in rolling blackouts. The Midwestern Independent System Operator (MISO) estimates that 61 of 71 GW of coal-based generation in the MISO region will require some action to comply with EPA's regulations over the next three years or sooner, with 13 GW at immediate risk of retirement. MISO estimates that it will cost ratepayers \$33 billion to retrofit or replace the 61 GW and describes reserve margins as “plummeting” to below required levels. PJM Interconnection has reported that 14 GW of generation have already announced plans to retire between May 2012 and 2015, an amount that will create reliability problems unless an unprecedented number of simultaneous transmission upgrades costing \$2 billion are completed in time.

Given all of these impacts, it is highly disturbing that EPA has now decided in its latest rule to create CO₂ standards that will prevent the construction of new coal-based generation. Although the preamble to the proposed rule claims that the rule will not prevent new coal generation, that claim is transparently inaccurate. As the preamble accurately states, the only way a new coal plant could meet the proposed standard is either to transform itself into a combined cycle plant fueled with natural gas or to utilize Carbon Capture & Storage (CCS) technology. NMA is a firm supporter of developing CCS as a long-term strategy, but the notion that CCS will be available on a widespread commercial basis within the next 10-15 years is wishful and dangerous thinking. At the same time that the rule proposes a CO₂ standard that no new coal plant can meet, it proposes no standard at all for single cycle natural gas plants and the standard it set for combined cycle natural gas plants is one that EPA says any new combined cycle plant will meet anyway. Thus, the rule sets a CO₂ standard that new coal can't meet, but sets no standard for natural gas. How could EPA's anti-coal, “all in” natural gas strategy be any clearer?

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June 25, 2012
Page Four

EPA cannot credibly claim it has no choice but to promulgate the proposed new standard given the requirements of the Clean Air Act. To the contrary, the proposed rule not only directly contradicts the Act, it contradicts 40 years of EPA NSPS policy under the Act, a policy EPA reaffirmed just several months ago in its MATS rule. EPA has never before considered it legally appropriate to place coal-fueled steam electric generating units in the same category as natural gas plants. When EPA issued its MATS rule, it revised its NSPS for non-CO₂ emissions from coal plants and continued its long-standing policy of treating coal and natural gas facilities separately. Indeed, in response to comments asking EPA to subject coal plants to standards based on the emissions performance of natural gas plants, EPA refused and specifically justified separate treatment as required by the Act. The only difference now is that EPA wants to use CO₂ regulation as that mechanism to prevent the construction of new coal plants.

The proposed regulation is also based on a fundamental logical inconsistency. EPA says the rule will not create any costs because it expects few, if any, new coal plants to be built. But if that is true, the rule produces no benefits - a conclusion reflected in EPA's regulatory impact analysis. But the rule will, in fact, create a significant cost by preventing new coal units from being built when market circumstances change. That is the only possible reason why EPA would propose this rule that otherwise (according to EPA) accomplishes nothing. But preventing the construction of new coal, even if the market favors coal, is exactly the wrong policy for the United States. It prevents the nation from taking advantage of its most abundant fuel, one that has proved itself to be low-cost and not subject to volatile price swings and for that reason has been the backbone of the nation's electric system for many decades.

EPA is right, however, that the rule will not create any benefits, but not for the reason EPA says. Although EPA is succeeding, at least temporarily, in reducing domestic coal use, world coal consumption is soaring as the developing world continues its steady march seeking access to modern energy to fuel its economic growth. And as emerging nations continue to develop, they will use more and more coal and other fossil fuels, and their rising greenhouse gas emissions will overwhelm any reductions EPA unilaterally forces on the U.S. economy. It will take international action to address global greenhouse gas emissions. All EPA can do with the present proposal is make the nation less competitive in world markets, further damaging the U.S. economy.

The Honorable Lisa P. Jackson

June 25, 2012

Page Five

NMA has offered to work proactively with EPA on greenhouse gas emissions. In September 2010, NMA delivered to EPA a white paper showing how a slow and steady replacement of older coal generation with new coal generation using much more efficient and advanced combustion technologies would yield a significant greenhouse gas reduction premium without any of the serious negative effects that EPA's approach is creating. NMA continues to believe that its proposal is the right way to go in addressing power sector greenhouse gas emissions.

In conclusion, NMA urges EPA to withdraw its proposed rule and reconsider its whole approach to coal. As the U.S. economy struggles to find a path to strong and sustained growth, coal is one of the nation's great competitive strengths. By undermining coal, EPA undermines the economy.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hal Quinn', with a long horizontal flourish extending to the right.

Hal Quinn

Nonresponsive Memorandum Unrelated to Pebble

Nonresponsive Memorandum Unrelated to Pebble

Nonresponsive Memorandum Unrelated to Pebble

Nonresponsive Memorandum Unrelated to Pebble



Correspondence Management System

Control Number: AX-12-001-1089

Printing Date: July 02, 2012 01:47:24



Citizen Information

Citizen/Originator: Eichstaedt, Rick

Organization: Center for Justice
Address: 35 West Main Avenue, Spokane, WA 99201

Yeaton, Violet

Organization: EPA Region 10
Address: Port Graham Village Council, P.O. Box 5510, Port Graham, AK 99603

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-001-1089
Status: Pending
Due Date: Jul 17, 2012
Letter Date: Jun 30, 2012
Addressee: AD-Administrator
Contact Type: EML (E-Mail)
Signature: DX-Direct Reply
File Code: 404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.

Alternate Number: N/A
Closed Date: N/A
of Extensions: 0
Received Date: Jul 2, 2012
Addressee Org: EPA
Priority Code: Normal
Signature Date: N/A

Subject: Daily Reading File - Support for National Tribal Caucus Letter on CWA 404(c) Authority
Instructions: DX-Respond directly to this citizen's questions, statements, or concerns
Instruction Note: N/A
General Notes: N/A
CC: OEAAE - Office of External Affairs and Environmental Education
OITA - Office of International and Tribal Affairs
OW - Office of Water -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
Jacqueline Leavy	OEX	R10	Jul 2, 2012	Jul 17, 2012	N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			



Region 10 RTOC

Regional Tribal Operations Committee

"Tribes-RTOC-EPA: Working Together"

Port Graham Village Council, P.O. Box 5510 Port Graham, AK 99603

ph 907-284-2227 fax 907-284-2222 www.rtocregion10.org

June 29, 2012

Administrator Lisa P. Jackson
U. S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

SENT VIA EMAIL

RE: Support for NTC Letter on CWA § 404(c) Authority

Dear Ms. Jackson:

This letter is sent on behalf of the Tribal Caucus members of EPA Region 10's Tribal Operations Committee ("RTOC"). This letter is not sent on behalf of EPA Region 10 or any employees of EPA, but solely tribal government representatives of the RTOC.

The intent of this letter is to provide support the letter submitted by the National Tribal Caucus ("NTC") in which the NTC requested that you exercise your authority under §404(c) of the Clean Water Act in regards to the proposed Pebble Mine. The Tribal Caucus of the RTOC believes that a thorough review of the potential impacts of the proposed mining project on the Bristol Bay watershed is warranted. The RTOC believes that the process available to EPA through its CWA §404(c) authority will allow EPA to take a detailed look at the impacts associated with the project, solicit public comment, and allow EPA to take necessary action to limit or restrict the implementation of the project if it proves harmful to fish, wildlife, water supply, or other resources.

The RTOC also recognizes that the Watershed Assessment completed by EPA is a necessary first step in this process and appreciate the work that has occurred to complete that assessment.

///

///

///

Administrator Lisa P. Jackson
Page 2 of 2
June 29, 2012

The Tribal Caucus appreciates your leadership in regard to Bristol Bay and your attention to this letter.

Sincerely,

/s/

Violet Yeaton
Region 10 RTOC
Tribal Caucus Co-chair

Cc: Dennis McLerran, EPA Region 10
Clay Bravo, NTC
RTOC



Correspondence Management System

Control Number: AX-12-001-1090

Printing Date: July 02, 2012 04:42:11



Citizen Information

Citizen/Originator: Cuch, Irene C.

Organization: Ute Tribal Business Committee
Address: P.O.Box 190, Fort Duchesne,, UT 84026

Douville, Monique

Organization: Fredericks Peebles & Morgan LLP
Address: 1900 Plaza Drive, Louisville, CO 80027

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-001-1090 **Alternate Number:** N/A
Status: Pending **Closed Date:** N/A
Due Date: Jul 16, 2012 **# of Extensions:** 0
Letter Date: Jul 2, 2012 **Received Date:** Jul 2, 2012
Addressee: AD-Administrator **Addressee Org:** EPA
Contact Type: LTR (Letter) **Priority Code:** Normal
Signature: DX-Direct Reply **Signature Date:** N/A
File Code: 404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.
Subject: Daily Reading File- requests 90-day extension to submit comments on "Permitting Guidance for Oil and Gas Hydraulic Fracturing Activities Using Diesel Fuels- Draft"
Instructions: DX-Respond directly to this citizen's questions, statements, or concerns
Instruction Note: N/A
General Notes: N/A
CC: OEAAE - Office of External Affairs and Environmental Education
OITA - Office of International and Tribal Affairs
R8 - Region 8 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
Ken Labbe	OEX	OW	Jul 2, 2012	Jul 16, 2012	N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					
Wanda Fields	OW	OW-OGWDW	Jul 2, 2012	Jul 16, 2012	N/A
Instruction: N/A					

Supporting Information

Supporting Author: N/A



UTE INDIAN TRIBE

P. O. Box 190
Fort Duchesne, Utah 84026
Phone (435) 722-5141 • Fax (435) 722-5072

June 28, 2012

Lisa P. Jackson, Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

RE: Request for 90 Day Extension to Submit Comments on "Permitting Guidance for Oil and Gas Hydraulic Fracturing Activities Using Diesel Fuels – Draft"

Dear Administrator Jackson,

On behalf of the Ute Indian Tribe (the "Tribe"), the Ute Tribal Business Committee (Business Committee) requests a 90-day extension to submit comments on "Permitting Guidance for Oil and Gas Hydraulic Fracturing Activities Using Diesel Fuels – Draft" (the "Guidance"). First, the Tribe should not be required to file comments until tribal consultation has occurred. The Environmental Protection Agency (EPA) has not consulted with a single tribe that we are aware of concerning the Guidance. The lack of consultation violates Executive Order No. 13175 on Consultation and Coordination with Indian Tribal Governments in developing its Guidance on hydraulic fracturing.

Given the impacts that the Guidance may have on the Tribe's significant oil and gas development, one-on-one consultation with the Business Committee is necessary. This consultation is needed to discuss specific sections of the Guidance concerning permitting and staffing plans to ensure that any new requirements will not further delay the oil and gas permitting process on the Tribe's Reservation, the effect the Guidance may have on the Tribe's economic development, and how the Guidance could be tailored to preserve the Tribe's regulatory authority in this area or exempt the Tribe altogether from the Guidance.

In addition, to allow for this consultation and development of comments based on the consultation, the Business Committee respectfully requests an extended comment period for the

EPA's Guidance. The one-on-one consultation will provide much of the foundation for the Tribe's eventual comments on the Guidance. We also believe that the complex nature of the Guidance combined with its potential to greatly affect the Tribe's economy warrants additional time for the development of comments. Additionally, the Tribe needs time to conduct a technical review of the Guidance so we can get a better understanding how this Guidance is going to affect our tribally owned company's ability to produce our oil and gas resources.


Furthermore, we are not aware of any incidents on tribal lands, or for that matter public or private lands, that would precipitate this Guidance. While regulation of shallow gas wells in Wyoming and Pennsylvania may be justified to protect ground water, we see no such justification for deep horizontal wells like those that are drilled on the Uintah and Ouray Reservation. Aside from public outcry concerning fracing, EPA has not provided any justification for its Guidance. Without proof that this Guidance is necessary to protect against an identified threat to the environment, deep well fracing on the Reservation should be exempt from the additional regulatory burdens that the proposed Guidance would impose.

Federal studies of hydraulic fracturing activities are still ongoing. The Environmental Protection Agency and other federal agencies are currently conducting scientific studies on hydraulic fracturing. This Guidance is premature in advance of the EPA study, yet the EPA has offered no justification for proceeding with this Guidance without the benefit of these studies.

It is for these reasons that the Tribe respectfully requests a 90-day extension of the current public comment period. This request is for both the economic and technical/substantive analysis of the Guidance.

We thank you in advance for your time and attention to this request. Please contact the Tribe's counsel, Tom Fredericks, at 303-673-9600 to respond to this request.

Sincerely,


Irene C. Cuch, Chairwoman
Ute Tribal Business Committee



Correspondence Management System

Control Number: AX-12-001-1091

Printing Date: July 02, 2012 03:30:56



Citizen Information

Citizen/Originator: Golden, Joli

Organization: The Anderson School
Address: 100 West 77th Street, New York, NY 10024

Nellor, Barbara

Organization: The Computer School
Address: 100 West 77th Street, New York, NY 10024

Ruback, Elissa

Organization: P.S. 452
Address: 100 West 77th Street, New York, NY 10024

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number:	AX-12-001-1091	Alternate Number:	N/A
Status:	For Your Information	Closed Date:	N/A
Due Date:	N/A	# of Extensions:	0
Letter Date:	Jun 29, 2012	Received Date:	Jul 2, 2012
Addressee:	Mayor Michael Bloomberg, Chancellor Dennis Walcott, and President and Chief Executive Officer	Addressee Org:	City of New York, Department of Education, School Construction Authority
Contact Type:	EML (E-Mail)	Priority Code:	Normal
Signature:	SNR-Signature Not Required	Signature Date:	N/A
File Code:	401_127_a General Correspondence Files Record copy		
Subject:	Daily Reading File - PCB Contamination at William O'Shea Complex at 100 West 77th Street in Manhattan		
Instructions:	For Your Information -- No action required		
Instruction Note:	N/A		
General Notes:	N/A		
CC:	Brigid Lowery - OSWER-CPA Kecia Thornton - OSWER Michelle Crews - OSWER OAR - Office of Air and Radiation -- Immediate Office OEAAE - Office of External Affairs and Environmental Education OSWER - OSWER -- Immediate Office		

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

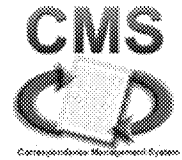
Supporting Information



Correspondence Management System

Control Number: AX-12-001-1091

Printing Date: July 02, 2012 03:30:56



Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
Jacqueline Leavy	OEX	R2	Jul 2, 2012

History

Action By	Office	Action	Date
Jacqueline Leavy	OEX	Forward control to R2	Jul 2, 2012

Comments

Commentator	Comment	Date
No Record Found.		

**M.S. 245 / Computer School PTA
P.S. 334 / The Anderson School PTA
P.S. 452 PTA
100 West 77th Street
New York, NY 10024**

June 29, 2012

Mayor Michael Bloomberg
City Hall
New York, NY 10007

Department of Education
Chancellor Dennis Walcott
52 Chambers Street
New York, NY 10007

School Construction Authority
President and Chief Executive Officer
30-30 Thompson Avenue
Long Island City, NY 11104

Re: PCB Contamination at William O'Shea Complex at 100 West 77th Street in Manhattan

Dear Mayor Bloomberg, Chancellor Walcott and Ms. Grillo:

This is in response to your letter dated May 25 and to an inspection for leaking light ballasts and/or leaking fluorescent light fixtures conducted on May 8, 2012 at the O'Shea School Complex, housing The Computer School, the Anderson School and PS 452. During that inspection and prior to that date, in October 2011, leaking fixtures were observed in our school building. Particularly, on the May 8 inspection, we observed multiple leaks in the fixtures, especially once the custodian removed the covers for further observation.

We understand that our school building is on the DOE's list of buildings that contain PCB contaminated light fixtures. Pursuant to the DOE's own policy, whereby it has committed to "fast track" schools with leaking ballasts for complete lighting replacement within one year of an observed leak (see attached photos), we write today urging immediate replacement of all of the light fixtures at the William O' Shea Complex.

We therefore, respectfully, but urgently, further request that you do the following:

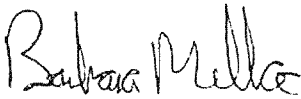
1. Share with us any documentation related to testing, inspection or examination of the lighting fixtures that were found to be leaking in May 2012 and/or October 2011 or any other fixtures tested, inspected or examined for leaks. Please provide this information to us by Thursday, July 5th.
2. If no testing was conducted concerning the May 2012 or October leaking fixtures, then please tell us how the City determined that the ballasts or lights observed to be leaking in May 2012 and in October 2011 did not contain PCBs.

3. Place our school on the list of schools slated for a full lighting replacement over summer 2012 so that the City can meet its own one year timeline.

We respectfully request your urgent response to this letter in three business days **and by copy of this letter, ask the U.S. EPA to intervene on our behalf to demand your immediate action as outlined above.** We are mindful of the recent news stories about PCBs in schools and the importance of acting quickly when leaks are observed in school buildings.

We remain extremely concerned about the significant risk to human health, especially children's health, posed by the presence of PCBs at the O'Shea Complex. It is time for the DOE to stop saying there is "no immediate health risk" from PCBs in schools. Many of our students and teachers have already spent years in PCB contaminated schools and they cannot spend another year in a school building containing contaminated lighting fixtures.

Sincerely,



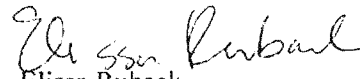
Barbara Mellor
PTA President
The Computer School
917-376-2440

Nonresponsive Personal Email / Ex. 6



Joli Golden
PTA Co-President
The Anderson School
917-282-8948

Nonresponsive Personal Email / Ex. 6



Elissa Ruback
PTA Co-President
P.S. 452
917-239-4808

Nonresponsive Personal Email / Ex. 6

CC:

Judith Enck, EPA Regional Administrator
Lisa P. Jackson, EPA Administrator
Manhattan Borough President Scott Stringer
Senator Tom Duane
Assembly Member Linda Rosenthal
Speaker Christine Quinn, City Council
Honorable Gale Brewer
Manhattan Borough President Scott Stringer
Public Advocate Bill De Blasio
Ms. Sara Carvajal, Superintendent of District 3
Mr. Joseph Lazarus, Division of School Facilities
Michelle Ciulla Lipkin, President, D3 Presidents' Council
Mark Diller, Chairperson, Community Board 7
Ms. Jodi Hyde, Principal, P.S. 334, The Anderson School
Mr. Scott Parker, Principal, P.S. 452
Mr. Henry Zymeck, Principal, The Computer School



Correspondence Management System

Control Number: AX-12-001-1114

Printing Date: July 02, 2012 02:42:28



Citizen Information

Citizen/Originator: Willis, David

Organization: Len Small Drainage and Levee District
Address: 27352 St. Hwy 3, Olive Branch, IL 62969

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-001-1114 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Jul 2, 2012 **Received Date:** Jul 2, 2012
Addressee: AD-Administrator **Addressee Org:** EPA
Contact Type: FAX (Facsimile) **Priority Code:** Normal
Signature: SNR-Signature Not Required **Signature Date:** N/A
File Code: 401_127_a General Correspondence Files Record copy
Subject: Daily Reading File- Stop the Corps of Engineers New Madrid Levee Project
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: OCIR - Office of Congressional and Intergovernmental Relations
OEAE - Office of External Affairs and Environmental Education
OW - Office of Water -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
Ken Labbe	OEX	R5	Jul 2, 2012

History

Action By	Office	Action	Date
Ken Labbe	OEX	Forward control to R5	Jul 2, 2012

Comments

David Willis

Chairman

Len Small Drainage and Levee District

27352 St. Hwy 3

Olive Branch, IL 62969

June 26, 2012

The Honorable Richard Durbin
United States Senate
Washington, DC 20510

The Honorable Mark Kirk
United States Senate
Washington, DC 20510

The Honorable Jerry Costello
United States House of Representatives
Washington, DC 20515

Re: Protect Our Community from Corps of Engineers New Madrid Levee Project

Dear Senator Durbin, Senator Kirk, and Representative Costello:

I write to bring your attention to a pending decision that could have catastrophic consequences for Olive Branch, IL and surrounding communities. We understand that the Corps of Engineers will soon release yet another study recommending construction of the St. Johns/New Madrid Project. This project would increase the risk of major flooding in Olive Branch to benefit a few wealthy landowners. On behalf of the Len Small Drainage and Levee District I call on you to put safety first and do all you can to stop this dangerous and wasteful project once and for all.

The St. Johns/New Madrid project includes construction of a new 60-foot high, ¼-mile long levee that will eliminate vital existing flood protection by preventing the Mississippi River from overflowing into a natural backwater area during flood events. The project will also encourage intensified agricultural use and development behind the new levee adding additional opposition to operating the New Madrid Floodway. Operating the floodway is critical to preventing catastrophic flooding of our community, and it did just that during the Mississippi River flood of 2011. According to the Corps of Engineers, operating the New Madrid Floodway also prevents the overtopping of levees and floodwalls in numerous other towns in Illinois, Missouri and Kentucky.

Operating the floodway, however, is already fraught with opposition and delays. As the waters were rising in 2011, the state of Missouri sued the Corps of Engineers to block activation of the floodway to benefit Missouri landowners in the floodway. This suit delayed the floodway's use until the court denied Missouri's request on May 1, 2011. The Corps activated the floodway on May 2, 2011 and once the floodway was activated, water levels at Calro dropped 2.7 feet in just 48 hours. But May 2nd was too late for Olive Branch and we flooded.

The St. Johns/New Madrid project has been mired in controversy for decades. The U.S. Fish and Wildlife Service have concluded that the project "would cause substantial, irretrievable losses of nationally significant fish and wildlife resources, and greatly diminish rare and unique habitats in southeast Missouri." In 2007, the project was put on hold when a U.S. District Court ruled that the project would not mitigate the significant harm to fish and wildlife and did not comply with the National

Environmental Policy Act or the Clean Water Act. We understand that the Corps currently plans to recommend virtually the exact same project rejected by the Court in 2007.

The federal government should not spend increasingly scarce federal dollars on this highly destructive and controversial project that threatens the safety of our community. Future federal flood damage reduction investments in the region should instead focus on protecting people and recognize the critical value and function of the New Madrid Floodway in doing just that.

Since Olive Branch flooded in 2011 we have been working hard to repair our levees using our own resources. Federal dollars are scarce and they should be directed to help communities like ours and not wasted on the New Madrid levee project.

We urge you to do everything you can to ensure that this project is stopped for good and that the basic safety needs of Olive Branch and surrounding communities are prioritized over a levee closure to benefit a few wealthy landowners.

Thank you for your attention to this important matter.

Sincerely,



cc:

Jo-Ellen Darcy, Assistant Secretary of the Army for Civil Works

Lisa Jackson, Administrator of the Environmental Protection Agency

Nancy Sutley, Chair of the Council for Environmental Quality



Correspondence Management System

Control Number: AX-12-001-1115

Printing Date: July 02, 2012 02:34:52



Citizen Information

Citizen/Originator: Russell, Monte

Organization: Pulaski County Board of Commissioners

Address: Address Unknown

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-001-1115

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Jul 2, 2012

Received Date: Jul 2, 2012

Addressee: AD-Administrator, Senator
Richard Durbin, Senator Mark
Kirk and Representative Jerry
Costello

Addressee Org: N/A

Contact Type: EML (E-Mail)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: Daily Reading File- Protect our County from Corps of Engineers New Madrid Levee Project

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: OCIR - Office of Congressional and Intergovernmental Relations
OEAE - Office of External Affairs and Environmental Education
OW - Office of Water -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
Ken Labbe	OEX	R5	Jul 2, 2012

History

Action By	Office	Action	Date
Ken Labbe	OEX	Control Created	Jul 2, 2012

June 27, 2012

The Honorable Richard Durbin
United States Senate
Washington, DC 20510

The Honorable Mark Kirk
United States Senate
Washington, DC 20510

The Honorable Jerry Costello
United States House of
Representatives
Washington, DC 20515

Re: Protect Our County from Corps of Engineers New Madrid Levee Project

Dear Senator Durbin, Senator Kirk, and Representative Costello:

I write to bring your attention to a pending decision that could have catastrophic consequences for the Pulaski County and surrounding communities. I understand that the Corps of Engineers will soon release yet another study recommending construction of the St. Johns/New Madrid Project. This project would increase the risk of major flooding in Pulaski County to benefit a few wealthy landowners. On behalf of the residents of our County I call on you to put safety first and do all you can to stop this dangerous and wasteful project once and for all.

The St. Johns/New Madrid project includes construction of a new 60-foot high, ¼-mile long levee that will eliminate vital existing flood protection by preventing the Mississippi River from overflowing into a natural backwater area during flood events. The project will also encourage intensified agricultural use and development behind the new levee adding additional opposition to operating the New Madrid Floodway. Operating the floodway is critical to preventing catastrophic flooding of our community, and it did just that during the Mississippi River flood of 2011. According to the Corps of Engineers, operating the New Madrid Floodway also prevents the overtopping of levees and floodwalls in numerous other towns in Illinois, Missouri and Kentucky.

Operating the floodway, however, is already fraught with opposition and delays. As the waters were rising in 2011, the state of Missouri sued the Corps of Engineers to block activation of the floodway to benefit Missouri landowners in the floodway. This suit delayed the floodway's use until the court denied Missouri's request on May 1, 2011. The Corps activated the floodway on May 2, 2011. Each day of delay put our area at greater risk of flooding. Once the floodway was activated, water levels dropped significantly in just 48 hours.

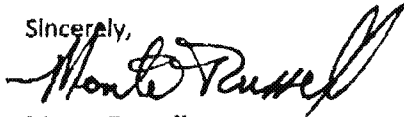
The St. Johns/New Madrid project has been mired in controversy for decades. The U.S. Fish and Wildlife Service have concluded that the project "would cause substantial, irretrievable losses of nationally significant fish and wildlife resources, and greatly diminish rare and unique habitats in southeast Missouri." In 2007, the project was put on hold when a U.S. District Court ruled that the project would not mitigate the significant harm to fish and wildlife and did not comply with the National Environmental Policy Act or the Clean Water Act. We understand that the Corps currently plans to recommend virtually the exact same project rejected by the Court in 2007.

Instead of spending federal dollars promoting controversial projects that can create additional problems, we need help addressing other numerous critical infrastructure needs to shore up our own flood defenses.

I urge you to do everything you can to ensure that this project is stopped for good and that the basic safety needs of Pulaski County and surrounding communities are prioritized over a levee closure to benefit a few wealthy landowners.

Thank you for your attention to this important matter.

Sincerely,



Monte Russell

Chairman

Pulaski County Board of Commissioners

cc:

Jo-Ellen Darcy, Assistant Secretary of the Army for Civil Works

Lisa Jackson, Administrator of the Environmental Protection Agency

Nancy Sutley, Chair of the Council for Environmental Quality



Correspondence Management System

Control Number: AX-12-001-1119

Printing Date: July 02, 2012 03:00:24



Citizen Information

Citizen/Originator: Newell, Brent

Organization: Center on Race, Poverty & The Environment
Address: 47 Kearny Street, San Francisco, CA 94108

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-001-1119 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Jun 29, 2012 **Received Date:** Jul 2, 2012
Addressee: Rafael Deleon **Addressee Org:** EPA
Contact Type: LTR (Letter) **Priority Code:** Normal
Signature: SNR-Signature Not Required **Signature Date:** N/A
File Code: 401_127_a General Correspondence Files Record copy
Subject: Daily Reading File-Angelita C. v. California Department of Pesticide Regulation, Title VI Complaint 16R-99-R9
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: OCSPP - OCSPP - Immediate Office
OGC - Office of General Counsel -- Immediate Office
R9 - Region 9 - Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

Supporting Information

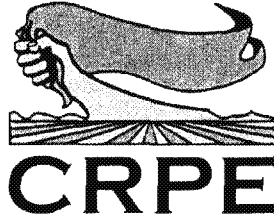
Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
Ken Labbe	OEX	OCR	Jul 2, 2012

History

Action By	Office	Action	Date
Ken Labbe	OEX	Forward control to OCR	Jul 2, 2012



CENTER ON RACE, POVERTY & THE ENVIRONMENT

47 KEARNY STREET, SUITE 804, SAN FRANCISCO, CA 94108 TEL 415-346-4179 FAX 415-346-8723 WWW.CRPE-EJ.ORG

June 29, 2012

Via Electronic Mail

Rafael DeLeon, Director
U.S. Environmental Protection Agency
Office of Civil Rights
Mail Code 1201A
1200 Pennsylvania Ave, NW
Washington, D.C. 20460
Fax: (202) 501-1836
Deleon.Rafael@epamail.epa.gov

**Re: *Angelita C. v. California Department of Pesticide Regulation, Title VI*
Complaint 16R-99-R9.**

Dear Mr. DeLeon:

Thank you for your letter dated May 23, 2012, in which you clarified EPA's position on the *Angelita C.* Title VI complaint and settlement agreement. I truly appreciate the time that you and Tseming Yang spent discussing the issues with me. I also wish to apologize to you and other EPA staff for my heated remarks on April 13, 2012. The purpose of this letter is to clarify the objections that the complainants continue to have with EPA's resolution of their complaint.

EPA deserves substantial credit for its investigation and its preliminary finding that the complaint established a *prima facie* violation of Title VI with respect to methyl bromide exposure. This was an historic step for EPA – the agency's first and only Title VI preliminary finding – and demonstrates the Administrator's commitment to improving EPA's civil rights performance. EPA should continue to invest its resources and consult with the environmental justice community in order to meaningfully implement and enforce Title VI.

As I have consistently stated, it is the manner in which EPA excluded the complainants from the closed-door settlement of their complaint and the terms with which EPA agreed to settle that complaint which harm the complainants and offend the letter and spirit of Title VI. As you observed in your letter, EPA's Title VI regulations provide no procedural safeguards to complainants. The settlement agreement also provided no protection from unhealthy and disparate exposures to methyl bromide, fumigants that are replacing methyl bromide, or other pesticides used heavily in rural areas of California. Even if the monitoring called for in the settlement discloses unhealthy levels, nothing in the settlement requires the Department of

PROVIDING LEGAL & TECHNICAL ASSISTANCE TO THE GRASSROOTS MOVEMENT FOR ENVIRONMENTAL JUSTICE

RALPH SANTIAGO ABASCAL (1934-1997) DIRECTOR 1990-1997

LUKE W. COLE (1962-2009) EXECUTIVE DIRECTOR 1997-2009

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Pesticide Regulation to do anything. Because of these reasons, the settlement agreement fails to provide Latino children with the protection guaranteed by Title VI.

Your letter states that EPA has no reason to believe that children are currently adversely exposed to methyl bromide because "California instituted a cap in 2010 that limits total usage within specified geographic areas in each calendar month" and that methyl bromide use "has been significantly reduced nationally. The California Department of Pesticide Regulation (CDPR) has provided no facts, and EPA has offered none, to support the conclusion that the adverse and disparate effect has ceased.

The current EPA review of California's fumigant regulations provides a key opportunity for EPA to demand a demonstration of compliance with Title VI from the CDPR, as required by sections 110(a)(2)(E) of the Clean Air Act, 42 U.S.C. § 7410(a)(2)(E). *See* Letter from Brent Newell to Andrew Steckel at 18-19, attached as Exhibit 1 (exhibits thereto omitted). EPA has previously interpreted section 110(a)(2)(E) to include Title VI. *See* Letter from David Howekamp to Michael Kenny, attached as Exhibit 2. An EPA action in this manner would be consistent with EPA's obligation to affirmatively ensure that CDPR complies with Title VI, as well as honor the Administrator's commitment to environmental justice and Title VI enforcement.

I understand that EPA will not reopen the settlement agreement, and have communicated that to the *Angelita C.* complainants. Neither the complainants nor their allies in the environmental justice movement are satisfied with EPA's resolution of the *Angelita C.* complaint. While I appreciate and look forward to continued discussions with EPA on how the agency can implement and enforce Title VI, the *Angelita C.* settlement remains a significant problem that must be resolved. Thank you for your time and courtesy.

Sincerely,



Brent Newell

cc: Lisa P. Jackson
Diane Thompson
Tseming Yang
Bob Perciasepe
Lisa Garcia
Scott Fulton
Omega Wilson
Steve Fishbach
Marc Brenman
Marianne Engelman Lado
Leslie Fields
Robert Garcia
Denny Larson